PURSUITS:
THE GOOD OLD DAYS

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

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As the police cruiser pulled in behind the stolen Honda, Officer Jordan's heart began to race. "I still get excited, but it's not like the good old days," Jordan said to his partner. "No," his partner replied, "I miss the pursuits." Officer Jordan radioed dispatch, and within a matter of seconds, the Honda became disabled, rolled to a stop and the suspect was apprehended. Could this be a scenario from future law enforcement? Believe it or not, the technology to disable a vehicle before a pursuit begins exists today.

Police pursuits have become a staple of the television news. When the newscast breaks for one, almost everyone stops what they are doing and watches as the helicopter and the patrol cars chase the suspects through a frightening series of near collisions. Usually, the pursuit concludes with a short foot chase and a suspect is taken into custody. But far too often, someone, usually an innocent third party, is injured or killed.

On the pages that follow, you can read how police agencies will stop police pursuits before they happen, and how the televised pursuit will become the vintage re-run in less than 20 years.

Telematics

The technologies we will use to end police pursuits are derived from the concept of telematics, a combination of Global Positioning System (GPS) and wireless phone technology which interfaces with the vehicle's onboard computer system. In fact, we see uses of telematic systems in many vehicles sold in the past ten years. Telematics has progressed to the point that if all vehicles were manufactured with these systems, law enforcement pursuits could be virtually non-existent.

The first and most popular system is the General Motors OnStar ® System (www.media.gm.com). It uses Telematics to slow down or stop stolen or fleeing vehicles. OnStar has many other selling features, such as air bag deployment for collisions, roadside assist, vehicle diagnostics, hands free calling, and remote door unlock, to name a few. GM was the first manufacturer to offer such a service in 1996, now boasting five million subscribers on 50 vehicle models. Many other major manufacturers are offering similar systems; Toyota's – Safety Connect ®, Fords – Sync ®, and Mercedes Benz - Mbrace ®, introduced around 2000 offered even more client services than the original OnStar (www.edmunds.com/telematics). OnStar is the only system that has an "ignition block" and "vehicle slow down" feature which is the most valuable telemetric component to law enforcement during pursuit applications. It is this function that can allow the police to intervene to stop or disable a vehicle when necessary for law enforcement action. In a time when pursuits may be "prevented" through legislation, it will never be more timely.

Pursuits and the Law

On May 6, 2009, Mississippi State Senator Terry Burton discovered his OnStar equipped Chevrolet Impala had been stolen. Senator Burton telephoned OnStar and notified the Hinds County Sheriff's Department. Within minutes, a Hinds County Deputy spotted the stolen Impala and a call was made to OnStar. The Stolen Vehicle Slowdown was activated, and the vehicle was safely slowed to a stop. Hinds County Sheriff, Malcolm McMillin, was pleased, saying, "this technology is extremely helpful not only to our officers, but the public as well. I was very pleased with the experience, and the fact that OnStar was able to help us curtail a high-speed chase, which too often

has disastrous results." (www.onstar.com/articleID412.536). Of course, this incident was also resolved without the requisite police pursuit and its potential for property damage and death.

Seeing the continued human toll generated by police pursuits, many states have discussed or proposed legislation to ban or restrict police pursuits, others are looking for new federal guidelines to lessen the exposure on pursuits and require vehicle manufacturers to do more to prevent them (www.smartmotorist.com). The FBI reports that about 400-500 people are killed every year in police pursuits (www.kristieslaw.org). According to the National Highway Traffic Safety Administration, more than 1/3 of these deaths were innocent bystanders (www.kristieslaw.org). Tragic statistics, coupled with the fact that the majority of police pursuits begin with a simple vehicle code violation, have many legislators openly questioning their necessity.

A number of states, including California, already have shield laws to protect police agencies and individual officers from liability stemming from a suspect's actions during a pursuit (ABA Journal, Sept. 1998). Groups such as the Council of Civil Liberties and the American Civil Liberties Union, though, are building support for legislation to ban all pursuits, noting that most pursuits are initiated in response to minor infractions, and that 40% end in crashes.

Research has shown that Los Angeles has the highest number of pursuits out of 17 large cities surveyed in 2001, recording 781 crashes (vehicle collides with objects), 283 collisions (vehicle collides with other vehicles), 139 injuries and 6 deaths as a result of police pursuits. Police pursuits that end in the tragic deaths of innocent victims catch the eye of the public, the media and even state legislators. Certainly, the astute law

enforcement leader would take notice, and then work to mitigate the problem before it is managed without them.

California State Senator Sam Aanestad first introduced Senate Bill 718, known as "Kristie's Law", in 2003 in response to the death of 15-year old Grass Valley resident Kristie Priano. She was killed when a teenage driver fleeing police crashed into the minivan she was riding in, fatally injuring her. The Bill (which did not pass through the Assembly in 2004) would limit police pursuits in situations where there is an "immediate threat to life or not a serious crime." (www.cnn.com/CNN/Programs/anderson.cooper.360/blog). The purpose of Kristie's Law was to force police into pursuing only those suspects the police believe have committed a violent felony. Also in 2003, State Senator Gloria Romero introduced Senate Bill 719. This legislation was passed in October of 2005 and was signed by Governor Schwarzenegger (www.kristieslaw.org).

This law requires California law enforcement agencies to establish specific policies governing when to initiate a police pursuit, how much training an officer must have in order to begin a pursuit, and mandated routine training. Additionally, Senate Bill 719 requires DMV driver education to obtain a driver's license and enhanced penalties for violations. Also, the victim of fleeing suspects could receive compensation from the State of California's Victim's Restitution Fund. According to staff writer, Larry Mitchell, of Senator Gloria Romero's office, CSSA (Cal-State Sheriff's Association), CPCA (Cal Police Chief Association), and CPOA (California Police Officers Association) assisted with the development and passage of Senate Bill 719. The obvious

need for advanced technology in law enforcement, coupled with the desire to pursue and apprehend criminals are a critical component of police work.

Most law enforcement officials oppose such legislation and argue it would severely limit law enforcement's ability to maintain public safety. During the Nominal Group Technique (NGT) Panel Discussion, which convened in 2010 in Rancho Cucamonga, CA, Lieutenant Rick Ells of the San Bernardino County Sheriff's Department stated, "Suspects will do whatever it takes to avoid apprehension. If they know law enforcement will not engage in vehicle pursuits, they will not yield to traffic stops. It really is that simple." Many believe the answer to this dilemma lies in technology already available on today's automobiles. While LoJack seems to be another obvious choice to assist, it's only designed to locate a vehicle and is not currently capable to disable a vehicle. Specifically, every vehicle on our roadways should be equipped with the OnStar system.

What is OnStar and How It Works

The OnStar Corporation was formed in 1995 as a subsidiary of General Motors in a joint venture with Electronic Data Systems and Hughes Electronics. Hughes developed the satellite communication for the system, EDS brought expertise in information management, and GM brought vehicle design and integration to the table.

OnStar debuted at the Chicago Auto Show in 1996 and was first made available to Cadillac models and later the remainder of the GM line. OnStar was also available through a licensing agreement on Audi, Acura, Subaru, Izusu and Volkswagen models (www.wikipedia.org/wiki/OnStar).

Using similar technology as your cellular telephone, OnStar is able to remotely perform a variety of functions on an equipped vehicle. Automobile operators can contact an OnStar representative while in their cars and receive vehicle diagnostics and directions. OnStar can also remotely unlock your vehicle if you lock your keys in the car. On later models, OnStar is notified if the car is involved in a collision, regardless of airbag deployment, but perhaps the most exciting OnStar feature was introduced in 2009. Stolen Vehicle Slowdown allows OnStar to remotely slow down an equipped vehicle which has been reported stolen (www.onstar.com/stolenvehicleslowdown). For safety reasons, the engine does not immediately shut down, but the car slows to an idle and the power steering and braking remain functional. A companion feature, known as Remote Ignition Block, allows the ignition to be disabled.

Current OnStar subscribers pay around $20 each month, depending on the plan they choose. Automakers may oppose any legislation that would make a system such as OnStar mandatory for all new vehicles sold. The cost for such installation could significantly drive up the cost of new vehicles. In today's tough economic times, this may result in more purchases of used vehicles without the systems, which could negatively impact the revenue of new vehicle sales. Two factors, however, are causing controversy in automotive manufacturing. First, each manufacturer claims their vehicle technology is better than the others, and manufacturers won't want to pay GM for the use of their copyrighted OnStar System. Additionally, many of the car manufacturers are struggling in this economic climate and required items would drive vehicle costs up which would hurt their bottom line. On the other hand, according to Ezine Articles, having mandatory GPS systems on all financed vehicles could make a significant

difference in the amount that is paid out for stolen vehicles (www.eazinearticles.com), thus reducing insurance costs for vehicle recovery. Mandatory GPS systems can not only assist in overall safety, but with theft prevention as well.

The National Transportation Safety Board, hands down many requirements to vehicle manufacturers. For safety, as well as theft prevention practices, the NTSB states 65-90% of all vehicles on U.S. highways have EDR (Event Data Recorders) already installed. They proposed making this recorder standard in 2008, and are still negotiating what date these would be mandatory. They indicated, to interface with a system to ignition block or auto slow down would only require additional software programs which are currently proprietary by General Motors. One issue not addressed, however, are the privacy implications such systems might present.

During the expert panel's discussion, Lisa Watkins, Nursing Supervisor at Arrowhead Regional Medical Center, voiced concerns regarding confidentiality laws and civil rights violations if certain information was accessible to law enforcement or insurance companies if Event Data Recorders were mandatory. Interestingly, there has been much speculation regarding the ability of law enforcement or criminal organizations to use OnStar for surveillance or eavesdropping, thus lending credence to the fear of "Big Brother".

The "Big Brother" theory does appear to have some valid facts. First, law enforcement and insurance companies would know many things about you and your car that could be disturbing to some people. This includes information such as where your car is parked (inside or outside and at who's house) how many miles you drive, how fast you're driving, characteristics such as number of occupants and much more.

Nonetheless, it's obvious that a system like OnStar may be a viable solution to some day ending police pursuits; however, two things must occur to make this happen. Issues remain, such as legislation required to mandate manufacturers to put OnStar technology in all new vehicles. Also at issue are the logistics of equipping police dispatch facilities with OnStar service centers. As far as law enforcement's ability to remotely monitor and manage any car, the fear of misuse or circumventing citizen's right's of not obtaining a judicial search warrant and following phone tapping requirements is of great concern to many watchdog groups. In fact, courts have already denied the FBI permission to use the system due to concerns of possible civil rights violations (www.wikipedia.org/FederalBureauofInvestigation).

Also, if there is a will there is a way for crooks to be crooks. While most of the Telematic systems are hidden and not quickly accessible to the criminal element, removing the vehicle's battery is similar to removing a cell phone battery. The information is no longer accessible by anyone. Chop shops might still have a way to circumvent the system, but the average suspect fleeing from police will not have spare computers and GPS devices to switch out during a high speed chase.

If OnStar and similar telematic systems can block ignitions, slow and stop fleeing vehicles, law enforcement should strongly consider advocacy to create a cooperative effort to encourage legislators and manufacturers to mandate having an OnStar-like software system on all new vehicles by the end of this decade. This would allow federal grants to give public safety agencies the ability to put systems on patrol vehicles and in dispatch centers. It would also implement a solution that has already seen OnStar dispatchers save hundreds of lives nationally and billions of dollars in damage.

Cost of collisions and injuries should be enough. The technology to put an end to police pursuits is ready and available. The question is whether or not the willingness of the political realm is ready and available.